

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5661 OF 2006

Sau.Sunita Rajendra Magdum .. Petitioner
V/s
State of Maharashtra & Ors. .. Respondents

Mr.T.S.Ingale for the Petitioner.
Mr.R.D.Rane, Govt.Pleader for Respondent Nos.1 to 4.
Mr.Vijay Patil for Respondent No.6.

**CORAM: DR.S.RADHAKRISHNAN &
V.M.KANADE, JJ.**

DATE : 4th September, 2006.

P.C.:

1. Heard the learned Counsel for the Petitioner and the learned Govt.Pleader for Respondent Nos.1 to 4 and the learned Counsel for Respondent No.6. By this Petition, the Petitioner is challenging the No Confidence Resolution dated 19th July, 2006 passed against the Petitioner by the Radhanagari Taluka Panchayat Samiti, mainly on the ground of non-compliance of the provisions of Section 72(3) of the Maharashtra Zilla Parishad & Panchayat Samiti Act, 1961. The main grievance of the Petitioner is that the requisition for convening the special meeting for passing No Confidence Resolution against the Petitioner which was submitted by the Respondent No.5 to 12 being the members of the Panchayat Samiti to the Collector of Kolhapur was dated 4.6.2006, and based on the said requisition dated 4.6.2006 the Collector had convened a meeting on 19.7.2006 by the Collector's notice dated 6.7.2006. According to the Petitioner the special meeting convened on 19.7.2006 was not within a period of 30 days of the requisition.

2. We have perused an affidavit of the Tahasildar of Radhanagari dated 25.8.2006 in which it is categorically stated that there was a typographical error in the notice issued by the Collector mentioning therein that the requisition was made on 4.6.2006, whereas the requisition was signed by the eight members of the Panchayat Samity on 4.7.2006 and the special meeting was convened on 19.7.2006 which was very much within the period of 30 days from 4.7.2006. We have also perused the original record. The original requisition notice was signed by the members of the Panchayat Samiti on 4.7.2006. Under these circumstances, the contention of the Petitioner that the meeting dated 19.7.2006 was not held within the prescribed period of 30 days is totally baseless. Petition is totally devoid of merits and hence stands dismissed.

(DR.S.RADHAKRISHNAN, J.)

(V.M.KANADE, J.)